

★ OCT 13 2010 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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CLAIRESA CLAY,

NOT FOR PUBLICATION

Plaintiff,

08 CV 150 (SJ) (VVP)

- against-

MEMORANDUM
AND ORDER

NEW YORK CITY DEPARTMENT OF
EDUCATION, FRED WALSH in his
individual capacity, CAROLINE GARRETT
in her individual capacity, and LAURA
HARRITON in her individual capacity,

Defendants.

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A P P E A R A N C E S:

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JOHNSON, Senior District Judge:

On December 2, 2009, the parties appeared before this court for a pre-motion conference. During the pre-motion conference, Defendants New York City Department of Education, Fred Walsh, Caroline Garrett, and Laura Harriton requested leave to file a motion for summary judgment, which was granted. The Court set a briefing schedule, with Defendants' motion due by February 5, 2010. Subsequent to the pre-motion conference, Defendants were granted two extensions to file their motion---on February 8, 2010, and March 1, 2010.

On June 3, 2010, the parties appeared for a status conference before this Court. Despite the extensions granted on February 8, 2010, and March 1, 2010, Defendants had failed to file their summary judgment motion by the date of the status conference. Accordingly, Defendants' request to file a motion for summary judgment, opposed by Plaintiff, was denied. This Court set a trial date of November 1, 2010 and ordered the parties to file a pre-trial order by June 17, 2010. As of the date of the present Order, no pre-trial order has been filed with this Court.

The Court reminds counsel that the trial date remains firm and will NOT be adjourned absent the most extraordinary and exigent circumstances possible. Accordingly, to prevent further unreasonable delay, the Court HEREBY

ORDERS the parties to file a pre-trial order and any pre-trial motions in accordance with this Court's Individual Rules no later than October 21, 2010; and

ORDERS the parties to submit jury charges in accordance with this Court's
Individual Rules no later than October 26, 2010.

SO ORDERED.

/s/(SJ)

DATED: October 13, 2010
Brooklyn, New York

Sterling Johnson, Jr., Senior U.S.D.J.